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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiff,

v.
SERGIO CURIEL, SR.,
Defendant.

CR. NO. 2:05-0113-01 WBS
ORDER

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On September 11, 2017, the government filed a Motion for Reconsideration of Sentence Reduction in Light of United States v. Mercado-Morano (Docket No. 317.) Plaintiff shall file an opposition to the government's motion no later than October 13, 2017. The government may then file a reply no later than November 3, 2017. The parties' submissions must address (1) the timeliness of the motion for reconsideration; (2) whether there is any limitation upon when a motion to reconsider may be

1 brought, or whether such a motion may be brought at any time
2 after sentencing or resentencing, in light of a subsequent Ninth
3 Circuit decision; (3) whether in light of the fact that the court
4 has already reduced the sentence the granting of the government's
5 motion would subject defendant to double jeopardy; and (4)
6 whether this court now is required or permitted to reassess every
7 "drugs minus 2" decision it has issued to determine whether a
8 different result is required in light of United States v.
9 Mercado-Moreno, No. 15-10545, 2017 WL 3687445, ___ F.3d ___ (9th
10 Cir. Aug. 28, 2017).

11 After briefing is complete, the court will take the
12 motion under submission and will inform the parties if oral
13 argument or further proceedings are necessary.

14 IT IS SO ORDERED.

15 Dated: September 12, 2017



16 WILLIAM B. SHUBB

17 UNITED STATES DISTRICT JUDGE
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